

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12CV510-MOC-DSC**

CLARK MATERIAL HANDLING)
COMPANY,)
)
Plaintiff,)
)
v.)
)
TOYOTA MATERIAL HANDLING)
U.S.A., INC.,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court on “Defendant Toyota Material Handling, U.S.A., Inc.’s Motion to Compel Deposition of Connie Davies” (document #125) filed September 3, 2014 and the parties’ associated briefs and exhibits. See documents ## 126, 127, 130, 137. On September 19, 2014, Plaintiff filed “Clark’s Motion for Leave to File Surreply in Opposition to Toyota’s Motion to Compel Deposition of Connie Davies” (document #138). These Motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and are now ripe for the Court’s consideration.

Clark’s Motion for Leave to File Surreply (document #138) is granted. For the reasons set forth in Toyota’s Memorandum in Support (document #126) and Reply (document #137), the Motion to Compel Deposition of Connie Davies is granted. Ms. Davies shall appear and give testimony as noticed on September 22, 2014.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: September 19, 2014

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

